

EXHIBIT “D”

In The Matter Of:

MIRIAM BAUZA v.
MEDIACOM COMMUNICATIONS CORPORATION

MIRIAM BAUZA
March 19, 2008

MERRILL LEGAL SOLUTIONS

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New York, NY 10036

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1 MIRIAM BAUZA
 2 A. It was based on age.
 3 Q. And was that claim based on the
 4 fact that you were terminated or based on
 5 treatment that you had or treatment that --
 6 A. Treatment that I have at the end.
 7 Q. What happened with that case filed
 8 with the EEOC?
 9 A. Well, I didn't follow up.
 10 Q. When you say you didn't follow up,
 11 did the EEOC end the charge at some point?
 12 A. No, I don't think -- I think it was
 13 dismissed. And I didn't follow through.
 14 Q. And other than age, was there any
 15 other type of discrimination alleged?
 16 A. I think it was also -- I can't
 17 think of the name, but it was a name that was
 18 used of my origin.
 19 Q. National origin?
 20 A. Yes.
 21 Q. What is your national origin?
 22 A. I'm from Panama.
 23 Q. Other than age and national origin,
 24 was there any other type of claim that was made?
 25 A. No.

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1 MIRIAM BAUZA
 2 Q. In that other case, did you have to
 3 appear at the EEOC to give any testimony?
 4 A. No. No.
 5 Q. Have you ever been deposed before,
 6 similar to today in which you were asked
 7 questions under oath?
 8 A. Yes.
 9 Q. Was it in those two other lawsuits
 10 that you had mentioned?
 11 A. For my son.
 12 Q. Other than the case with your son
 13 and the case involving your dental, your braces,
 14 have you ever been deposed?
 15 A. No.
 16 Q. Are you currently undergoing any
 17 treatment? Other than for regular checkups.
 18 A. No. No treatment.
 19 Q. When was the last time that you
 20 underwent any treatment for your breast cancer?
 21 A. December 14, 2007.
 22 Q. And do you have any follow-up
 23 appointments other than a routine checkup
 24 scheduled?
 25 A. I do have a pending surgery, yes.

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1 MIRIAM BAUZA
 2 Q. Again, is that related to the
 3 breast cancer follow-up?
 4 A. Correct.
 5 Q. Had you been given a prognosis as
 6 to the breast cancer? Is it in remission, is it
 7 not in --
 8 A. No, not yet, no. No. I'm just
 9 taking medication for five years.
 10 Q. What medication are you taking?
 11 A. I'm taking Arimidex. I start
 12 taking that December 20, 2006.
 13 Q. I'll use that as the date, December
 14 20, 2006. Other than taking the Arimidex, have
 15 you taken any other medications or have you had
 16 any other treatment?
 17 A. No. Did I say 2006?
 18 Q. Yes. It was about a month after
 19 your employment ended with Mediacom.
 20 A. Exactly, that's correct.
 21 Q. What is Arimidex?
 22 A. Arimidex?
 23 Q. Yes, Arimidex.
 24 A. The way they explained it to me is
 25 to prevent the cancer come back to me. Even

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1 MIRIAM BAUZA
 2 though there is only 2 percent.
 3 Q. It's only 2 percent what?
 4 A. 2 percent of -- it's only 2 percent
 5 for the cancer not to come back to me. It's
 6 sort of like a block.
 7 Q. So it's a form of treatment that
 8 may help prevent it from coming back?
 9 A. Prevent it, exactly. That's the
 10 word. Prevention.
 11 Q. When were you first diagnosed with
 12 breast cancer?
 13 A. Very, very first time?
 14 Q. Yes.
 15 A. It was 1995.
 16 Q. Did you undergo a course of
 17 treatment after that?
 18 A. I didn't need a treatment after
 19 that.
 20 Q. What treatment did you have?
 21 A. I didn't -- I had a mastectomy.
 22 Q. And was it just one side or a
 23 double?
 24 A. It was the left side.
 25 Q. After the mastectomy, did there

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1 MIRIAM BAUZA
2 come a time when you were rediagnosed with
3 breast cancer?
4 A. Yes. It happened in February 2006.
5 Yes, February 2006.
6 Q. It was during your employment with
7 Mediacom.
8 A. Yes, with Mediacom, right. After
9 ten years.
10 Q. During that time there were certain
11 treatments that you underwent.
12 A. This time, yes, I needed
13 chemotherapy.
14 Q. Now, I'm going to use January 1 of
15 2006. Other than for breast cancer, have you
16 been treated for any other illness?
17 A. Since when?
18 Q. January 1st of 2006 to the present.
19 Other than for breast cancer and the side
20 effects of breast cancer, have you been treated
21 for any other illnesses or conditions?
22 A. No. Well, I did went to the doctor
23 right after I lost my job because I didn't -- I
24 was getting a lot of anxiety. I was losing my
25 hair still and there was a lot of side effects

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1 MIRIAM BAUZA
2 with the chemo.
3 Q. So as of November of 2006 you were
4 still undergoing chemotherapy?
5 A. No, no, it was not chemotherapy,
6 but I was seeing the doctor for -- at one point
7 she prescribed me Valiums.
8 Q. And what doctor was that?
9 A. Dr. Torres. Yvette Torres.
10 Q. Where is Dr. Torres located?
11 A. She is located in Axis Medical, Row
12 32 in Newburgh, New York.
13 Q. What type of doctor is Dr. Torres?
14 A. She's an intern.
15 Q. Internist?
16 A. Mm-hmm.
17 Q. Yes?
18 A. Yes.
19 Q. That's the other thing.
20 A. Sorry.
21 Q. That's okay. We all know what your
22 answer is; it's just that mm-hmm or unh-unh get
23 taken down the same.
24 Was it Dr. Torres that prescribed
25 Valium?

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1 MIRIAM BAUZA
2 A. Yes, I think it was Valium. That's
3 what she gave me.
4 Q. When did she give you Valium?
5 A. I don't remember. But I know it
6 was almost right after I lost my job.
7 Q. Prior to that, had you been given
8 any other type of medication, a Valium or other
9 anxiety or antidepressants?
10 A. No.
11 Q. And that includes during the time
12 that you had been treated in 2006 and prior to
13 that dating back to 1995, you had not received
14 any of those types of medications?
15 A. No.
16 Q. Other than Valium, did Dr. Torres
17 or any other physician or clinician prescribe
18 any other type of antianxiety or
19 antidepressants?
20 A. No. What happened is I was having
21 problem breathing, so she gave me a full
22 examination. She actually referred me to take
23 full examination for breathing and different
24 types of tests for that.
25 Q. What, if anything, other than doing

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1 MIRIAM BAUZA
2 that did she prescribe any other medications
3 other than Valium for you?
4 A. Yes. She prescribed some
5 medication that was giving me some side effects,
6 because for whatever reason, she had found
7 something in -- I don't know if it was my lungs,
8 she gave me my medication and I had to stop it.
9 Q. In your lungs?
10 A. In my lungs, yes.
11 Q. What medication was that, do you
12 know?
13 A. I don't remember.
14 Q. And that was to assist you in
15 breathing?
16 A. Yes. It was actually to kind of
17 cure something that I have in my lungs. I don't
18 know what it was.
19 Q. Was that the first time that
20 someone told you you had something in your
21 lungs?
22 A. Yeah. Yeah.
23 Q. Other than attempting to treat it
24 with that medication which didn't work or you
25 had to come off of, did she do anything else to

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1 MIRIAM BAUZA
 2 Q. Yes.
 3 A. I will say maybe a month later.
 4 MR. BONNIST: Do you want to take a
 5 break?
 6 MR. RIOLO: Yes.
 7 (Recess taken.)
 8 A. Can I just say something? When you
 9 asked me who else I had speaking to from me at
 10 Mediacom, working in Mediacom, I would have to
 11 say Lourdes Pina. He works there. But we
 12 haven't spoke about anything about the case.
 13 Because my sister and him, they're very
 14 friend -- they're close friends, and I had seen
 15 him. But I haven't mentioned anything to him
 16 about the case.
 17 Q. Did you ever talk to him about any
 18 issues or problems that you had at Mediacom?
 19 A. No.
 20 Q. So it was just more on a personal
 21 level in terms of how you're doing?
 22 A. That's correct.
 23 Q. But nothing discussing about the
 24 allegations that you made in this lawsuit?
 25 A. No.

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1 MIRIAM BAUZA
 2 Q. Anything else?
 3 A. No.
 4 Q. When you started at Mediacom, tell
 5 me what your job responsibilities were.
 6 A. It was actually to process -- to
 7 verify the hours that were coming from various
 8 locations, verify that they were correct. And
 9 if you have to make any changes, to let payroll
 10 processor, to let her know. And after
 11 everything was verified, I would transmit it to
 12 process to get payments.
 13 Q. How would you know if it was
 14 correct or not?
 15 A. Well, we had a format, it was
 16 actually biweekly, so it was 80 hours. Overtime
 17 was actually specified if it was overtime. And
 18 also it will specify if it was overtime or
 19 straight time.
 20 At one point we had a person that
 21 has 395 hours. I was able to caught that. That
 22 payroll processor wanted to put 39.5. And that
 23 was a mistake. So I was able to verify those
 24 hours.
 25 Q. So you generally looked it over to

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1 MIRIAM BAUZA
 2 see if there were any noticeable errors that you
 3 could see.
 4 A. Correct.
 5 Q. And what you got you got from
 6 places out in the field, correct?
 7 A. Yes.
 8 Q. And those were different locations.
 9 A. Right.
 10 Q. What about with respect to the
 11 corporate offices?
 12 A. The corporate office?
 13 Q. The payroll for the corporate
 14 office, what was your responsibility when you
 15 first started with respect to the corporate
 16 payroll?
 17 A. With the corporate payroll, before
 18 I came -- actually, when I came there I had
 19 nothing to do with that payroll. It was done by
 20 Jen. Jen Clark.
 21 Q. In HR?
 22 A. In HR.
 23 Q. So when you first started you were
 24 doing the field personnel payroll.
 25 A. That's correct.

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1 MIRIAM BAUZA
 2 Q. Were there salaried employees and
 3 hourly employees in the field personnel?
 4 A. Yes.
 5 Q. Were there exempt and nonexempt
 6 employees?
 7 A. Correct.
 8 Q. And you had an understanding from
 9 your experience as to what the difference was in
 10 terms of exempt and nonexempt?
 11 A. That is correct.
 12 Q. Who would provide you that
 13 information in the field?
 14 A. The payroll processors that they
 15 have in various locations.
 16 Q. And those were locations all across
 17 the country, correct?
 18 A. That is correct.
 19 Q. So you would generally look for
 20 anything that looked out of the ordinary?
 21 A. Correct.
 22 Q. You weren't able to say Joe in Iowa
 23 worked X number of hours; you wouldn't know that
 24 specifically, correct?
 25 A. Yes. More or less.

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1 MIRIAM BAUZA
 2 A. It was done by Jen.
 3 Q. Any other duties that Gladys took
 4 over after she started, other than what you've
 5 discussed, up until June of 2006 that you're
 6 aware of?
 7 A. Any other responsibilities. I
 8 don't remember.
 9 Q. Who was Gladys reporting to?
 10 A. To me.
 11 Q. When you started, what was your
 12 salary?
 13 A. 42,5. Or 42 I think it was. 42.
 14 Q. Did it change in any way?
 15 A. Yes.
 16 Q. To what?
 17 A. To 42,5.
 18 Q. And when did it change, if you
 19 know?
 20 A. It changes right before I was going
 21 to disability.
 22 Q. You said that you were rediagnosed
 23 with breast cancer in early 2006 while you were
 24 at Mediacom, correct?
 25 A. Yes.

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1 MIRIAM BAUZA
 2 Q. Up until June of 2006, what
 3 treatment, if any, did you have for the breast
 4 cancer?
 5 A. That's when I had the two
 6 lumpectomies and the mastectomy.
 7 Q. When were the two lumpectomies?
 8 A. One was in April 10, and the other
 9 one was May 8th. And the mastectomy was done
 10 July 7.
 11 Q. And the mastectomy occurred while
 12 you were out on leave for the extended period,
 13 correct?
 14 A. Yes. That's why I needed the --
 15 right.
 16 Q. For the first lumpectomy on or
 17 about April 10th, did you take a period of time
 18 off from work?
 19 A. It was three days. I think it was
 20 three days, yes.
 21 Q. And had you missed certain days
 22 prior to that because of doctors' appointments?
 23 A. Yes.
 24 Q. Approximately how many days did you
 25 miss?

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1 MIRIAM BAUZA
 2 A. The first one I think was
 3 January 19th, that's when I had the mammogram.
 4 And on February 20th I think it was, the biopsy.
 5 I think it was the 20th.
 6 Q. For the January 19th and the
 7 February 20th you didn't lose any pay because of
 8 taking off those times, did you?
 9 A. No.
 10 Q. What about with respect to the
 11 three days for the lumpectomy in April, did you
 12 lose any time for that? Did you lose any pay?
 13 A. No, because I got disability
 14 payments.
 15 Q. You got disability payments in
 16 April?
 17 A. No, not in April. You're telling
 18 me the mastectomy, no?
 19 Q. No, let's withdraw the last
 20 question.
 21 For the three days that you were
 22 out in April for the first lumpectomy, did you
 23 receive pay for those days that you were off?
 24 A. Yes.
 25 Q. Did you have accrued sick time?

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1 MIRIAM BAUZA
 2 A. I didn't accrue sick time, but when
 3 I start working in Mediacom, I was working 12
 4 hours a day. I started at 8:00 and I didn't
 5 leave until 8:00 when the cleaning people was
 6 leaving.
 7 Q. So for the April time frame you
 8 didn't lose any pay for those three days?
 9 A. No.
 10 Q. How long were you out in May for
 11 the second lumpectomy?
 12 A. I think it was either two, three
 13 days. No more than that.
 14 Q. Again, did you have any sick days
 15 that were available to you?
 16 A. No.
 17 Q. Did you lose any pay as a result of
 18 the time you took off in May?
 19 A. I think I had some sick days
 20 available at some point that I was able to get
 21 pay, yes.
 22 Q. So up until you came back from the
 23 second lumpectomy, you had not lost any pay, is
 24 that correct?
 25 A. No.

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1 MIRIAM BAUZA
 2 A. He's the CFO.
 3 Q. Did Joe report to Mark Stephan, as
 4 you understood it, while you were employed
 5 there?
 6 A. That is correct.
 7 Q. What is Italia's position?
 8 A. She is the VP of HR.
 9 Q. And what's the reporting structure
 10 in HR as you understood it at that point in
 11 time, around June of 2006?
 12 A. Can you repeat that for me?
 13 Q. What is the reporting structure?
 14 Who reported to whom in HR? You mentioned
 15 Italia, Paul, Judy and Jen Clark.
 16 A. Well, I think Paul will report to
 17 Italia. Judy will report to Paul. And Jen will
 18 report to Judy.
 19 Q. Up until June of 2006 when you went
 20 out on leave, did anyone ever talk to you about
 21 your need for taking leave other than Joe?
 22 A. I don't quite remember who I spoke
 23 to. Maybe it was Jen. I think when I got the
 24 form to complete for the claim. The form for
 25 the disability.

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1 MIRIAM BAUZA
 2 (Defendant's Exhibit J for
 3 identification, Payroll Document.)
 4 Q. I'm going to show you what we
 5 marked as Defendant's Exhibit J. Is this -- if
 6 you'll look at the first page there's some
 7 handwriting on it. Do you recognize that
 8 handwriting?
 9 A. Yes, that's my own handwriting.
 10 Q. And that's the date down on the
 11 bottom is June 7th, 2006, correct?
 12 A. Yes, that's correct.
 13 Q. In the box here on the right it
 14 lists -- it says average weekly earned wages.
 15 Do you see that?
 16 A. Mm-hmm.
 17 Q. Is that your handwriting?
 18 A. Yes.
 19 Q. And that says \$818.
 20 A. Mm-hmm.
 21 Q. Yes?
 22 A. Yes. I'm sorry.
 23 Q. You kind of initialed it next to
 24 it.
 25 A. Yes, because I made that change. I

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1 MIRIAM BAUZA
 2 had put it higher but then I changed it.
 3 Q. And that was your average weekly
 4 wage, correct?
 5 A. Correct.
 6 Q. Now, how was the payroll done at
 7 Mediacom?
 8 A. Biweekly.
 9 Q. So you would have received about
 10 gross amount of \$1,636 every other week,
 11 correct?
 12 A. Correct.
 13 Q. Do you recall what the net was of
 14 that check?
 15 A. No. I don't remember.
 16 Q. And this was the claim that you
 17 submitted because you were going out for the
 18 mastectomy, correct?
 19 A. Correct.
 20 Q. And if you'll look on the second
 21 page, you'll see there's a section that talks
 22 about healthcare provider. You have the wrong
 23 second page. It's the third page on your
 24 document, and we'll fix it after, where it's the
 25 healthcare provider statement. You'll see there

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1 MIRIAM BAUZA
 2 it says "returned to work, date claimant will be
 3 able to perform usual work." Do you see that?
 4 That's August 7th, 2006, correct?
 5 A. Where is that?
 6 Q. Right here (indicating).
 7 A. Yes, August 7th, that's correct.
 8 Q. And that's the approximate within a
 9 day or so that you returned to work, correct?
 10 A. Uh-huh, exactly. That's exactly
 11 the day I came back to work. The 7th.
 12 Q. Other than getting this
 13 application, did you get anything else from Jen
 14 when you --
 15 A. I don't remember.
 16 Q. -- went on disability?
 17 A. Not that I remember.
 18 Q. And this was pursuant to the
 19 company's short-term disability policy that you
 20 were initially applying, correct? Let me
 21 withdraw the question.
 22 What were you applying for when you
 23 submitted this?
 24 A. Disability claim, that's correct.
 25 Q. Did you have an understanding as to

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1 MIRIAM BAUZA
 2 MR. BONNIST: Note my objection.
 3 Q. Did you know --
 4 A. I'm sorry, can you repeat that
 5 again?
 6 Q. Yes. Were you aware as to whether
 7 or not Mediacom had a family and medical leave
 8 policy with respect to employees?
 9 A. No.
 10 Q. Now, you stated that when you went
 11 out -- prior to you going out on leave, was
 12 there a posting for any other position in
 13 payroll? Internal posting by the company?
 14 A. No.
 15 Q. Did you become aware at some point
 16 in time prior to going out on leave that the
 17 company had hired someone else to work in
 18 payroll?
 19 A. No.
 20 Q. At some point in time Regina Burgos
 21 was hired, correct?
 22 A. Yes, while I was on disability.
 23 Q. And you don't recall any discussion
 24 about Mediacom hiring someone into that position
 25 that Regina was hired?

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1 MIRIAM BAUZA
 2 A. Well, Judy Mills mentioned it to me
 3 that they were looking into payroll manager with
 4 a background just in taxes. Doing taxes.
 5 Q. And did she mention that to you
 6 before June?
 7 A. Yes.
 8 Q. What, if anything, did you say to
 9 Judy when she told you about that?
 10 A. I don't think I had any say in
 11 that.
 12 Q. Did you express that to Judy or did
 13 you say anything to Judy?
 14 A. I didn't say anything. I have no
 15 objections to that.
 16 Q. To your knowledge, was that payroll
 17 manager position, did you see any posting or
 18 advertisement for it within the company?
 19 A. No.
 20 Q. Did you have any discussions with
 21 Gladys Falto about the company looking for a
 22 payroll manager?
 23 A. Yes, I do remember now, yes. I
 24 remember it was posted and Gladys wanted to
 25 apply for that position. She did mention to me

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1 MIRIAM BAUZA
 2 that she wanted to apply for that position. And
 3 I have no objection to that either. I said you
 4 just have to speak to Judy. Speak to Judy
 5 Mills.
 6 Q. And that posting that you recall,
 7 that was prior to you going out on leave that it
 8 occurred, correct?
 9 A. Yes.
 10 Q. Did you apply for that position?
 11 A. No.
 12 Q. Do you know if Gladys did?
 13 A. I believe she did.
 14 Q. What were the duties and
 15 responsibilities, as you understood it, from the
 16 posting for that payroll manager position?
 17 A. At this point, I don't remember at
 18 this point.
 19 Q. Did you discuss with anyone as to
 20 why the company was hiring a payroll manager?
 21 A. When Judy had mentioned it to me
 22 that all she was going to be doing, it was
 23 concentrating more on taxes, payroll taxes.
 24 Q. When you had that conversation with
 25 Judy, was the transition to Ceridian being

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1 MIRIAM BAUZA
 2 implemented?
 3 A. Yes.
 4 Q. And were you familiar with
 5 Ceridian?
 6 A. Yes.
 7 Q. So when you returned to work, who
 8 was working in payroll?
 9 A. It was Gladys and Regina.
 10 Q. When you returned to work, what was
 11 your understanding as to what Gladys was doing?
 12 A. Gladys was doing the corporate
 13 payroll, and she was doing also the field. She
 14 was doing everything. Corporate and the field.
 15 Q. And did you meet Regina before you
 16 came back to work in August?
 17 A. No.
 18 Q. After you returned in August, what
 19 did you do in payroll?
 20 A. I was actually -- there was a
 21 transition in attendance in place, which I
 22 have -- I was not there for the training. So I
 23 felt that I was a little lost there because I
 24 was not there for that training. So she was
 25 trying -- Gladys was trying to train me also on

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2 that I was doing for the field, it was actually
3 verifying part of the payroll. And I was making
4 sure to print some documentations I would need
5 for the auditors. That's it.
6 Q. So who was doing the field payroll?
7 A. Gladys. And she also was doing the
8 corporate payroll.
9 Q. To your knowledge, had she been
10 doing that while you were out, both corporate
11 and field payroll?
12 A. I think she was doing -- yes, she
13 was doing -- she thought that she was going to
14 have help from Regina, but she never get the
15 help from Regina.
16 Q. To your understanding as to what
17 you were able to observe, what was Regina doing
18 when you returned?
19 A. I have no clue. I have no idea
20 what she was doing.
21 Q. Did you ever have a conversation
22 prior to that meeting with Paul Gillert with Joe
23 Mickulski about working with him again?
24 A. No. An after I spoke to Paul
25 Gillert, I spoke to Joe. And that's when I find

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2 out, yeah, that I was going to be working close
3 with him and doing the 401-K loans.
4 Q. Can tell me in your meeting with
5 Paul Gillert what you said, what Paul said and
6 what Gladys said?
7 A. You mean with Brian?
8 Q. You said you met with Paul and
9 Brian.
10 A. No, no, no. I met with Gladys and
11 Brian Walsh.
12 Q. Those are the first people that you
13 met with in a meeting in which you discussed
14 issues that you had with Regina, is that
15 correct?
16 A. That's correct.
17 Q. So tell me what you said, what
18 Gladys said and what Brian said.
19 A. I don't remember what Gladys said,
20 but what I said to him is that she was harassing
21 me.
22 Q. Did you give any specifics as to
23 what you meant by that?
24 A. Yes, there were times when I
25 actually came back, it was Monday on the 7th.

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2 Tuesday I have to go to chemo. And I told her
3 that I was going to be out, and she told me that
4 was fine. So when actually that week passed, I
5 think that week was a payroll. And when I got
6 paid, I got paid -- I got paid less that
7 particular day.
8 So I explained to her that I don't
9 see why she was taking that pay away from me
10 because I was actually working more than eight
11 hours a day. Sometimes I was working 12 hours a
12 day. And I felt that if I was working that much
13 time, I should be compensated for that day.
14 She told me the only way that I
15 could get paid for that particular day was to
16 come into work even if it was one hour and I
17 will get paid for that day.
18 Q. And did she -- did you have
19 discussion as to what she meant by that?
20 A. So then when I got the next
21 chemo -- I don't want to cut you off --
22 Q. Go ahead.
23 A. When I got the next chemo, I came
24 at 7:30 and I have to leave at 9:30. So I sent
25 an e-mail telling her -- telling the whole

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2 payroll crew that I was going to be leaving at
3 9:30 and that Gladys happened to be out that
4 day.
5 So she sent me an e-mail back
6 telling me that why did I even bother to come.
7 And before I got that e-mail, when I went into
8 her office, she told me off right in front of
9 Sharon D'Elia telling me that why I even bother
10 to come. So it was not enough for her to tell
11 me in person. She sent me an e-mail.
12 Q. So she told you in person and then
13 sent an e-mail?
14 A. Yes.
15 Q. Other than saying why did you
16 bother coming in, was there anything else that
17 she said?
18 A. No.
19 Q. That was the only statement that
20 she made?
21 A. That was the only statement that
22 she made. But after I asked her -- I told her
23 that I wanted to speak to her because Sharon
24 D'Elia was there, and I wanted to speak to her
25 without her being there. I told her that I

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1 MIRIAM BAUZA
2 didn't appreciate that she talked to me that way
3 because it was in a bad way the way she told me.
4 Q. Was this the same day before you
5 had left that you had this conversation?
6 A. Yes. That I didn't appreciate
7 that. Because also at the same time she told me
8 that she feel that I was taking advantage of the
9 company. And I told her, you don't know me, you
10 don't know me. When I came here I was working
11 12 hours a day. I was the only person doing
12 payroll.
13 Q. When did she make that statement to
14 you about did you think you were taking
15 advantage of the company?
16 A. I think it was August 29. I think
17 I have that e-mail.
18 Q. So this is three weeks after this
19 conversation about taking off a day and why did
20 you bother coming in.
21 A. Yes, something to that effect.
22 Yes, I think I have that e-mail.
23 Q. So when is it that you met with
24 Brian Walsh?
25 A. After that.

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1 MIRIAM BAUZA
2 Q. After which?
3 A. After I have the discussion with
4 Regina.
5 Q. Which discussion?
6 A. The discussion of the time.
7 Q. Of which time? Because you
8 mentioned two conversations that you had with
9 Regina. One where you were leaving at 9:15 and
10 she responded in e-mail, and verbally why did
11 you bother coming in at all.
12 A. That's correct.
13 Q. And that was August --
14 A. I think it was August 29th.
15 Q. That was August 29th.
16 A. Yes.
17 Q. Did you have any prior
18 conversations with her about taking time off?
19 A. No.
20 Q. So you started back on August 7th.
21 A. Yes.
22 Q. And then approximately a little
23 over three weeks later on August 29th is when
24 you had that conversation with her in which she
25 for the first time expressed -- made a comment

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1 MIRIAM BAUZA
2 about you taking leave, is that correct?
3 A. Exactly.
4 Q. So during that time frame,
5 August 7th and August 29th, did you need to take
6 time off for chemotherapy or other doctors'
7 treatments?
8 A. Well, after I took the chemo, that
9 specific week I had to take injections starting
10 the next day for five days. So if I took the
11 chemo on Tuesday, I will have to be late for the
12 next three coming days.
13 Q. And did you start that type of
14 treatment where you had to get the chemo and
15 then --
16 A. Yes --
17 Q. -- the shot, as soon as you
18 returned?
19 A. No. No, I think that was after. I
20 don't quite remember, but I think it was after.
21 Q. After what?
22 A. After a few weeks.
23 Q. So my question is, when you
24 returned to work on August 7th up until
25 August 29th when you had that conversation and

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1 MIRIAM BAUZA
2 the e-mail exchange with Regina why did you
3 bother coming in at all, did you need to take
4 off time?
5 A. No. I didn't need to take any more
6 time, no.
7 Q. So the first time that you needed
8 to take additional time after you returned from
9 leave was toward the end of August.
10 A. Exactly.
11 Q. The first time that you took any
12 additional time after you returned from leave is
13 when you came in for a couple of hours and then
14 had to leave? Or did the issue of the payroll
15 about you needing to take off a day come up
16 before that?
17 A. The issue about not getting paid --
18 let me make this clear. The issue of not
19 getting paid, that was the first day, the
20 Tuesday that I came back, and she didn't pay me.
21 Q. So you came back on a Monday --
22 A. On the 7th, Monday.
23 Q. On Monday the 7th. You needed to
24 take the full day off on Tuesday.
25 A. Exactly.

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1 MIRIAM BAUZA
 2 Q. For what?
 3 A. For chemo.
 4 Q. And you took off on the 8th. The
 5 issue came up the following week --
 6 A. The following time that I had
 7 chemo. I think it was at the end of the month.
 8 Q. When did you first notice that you
 9 weren't paid for August 8th?
 10 A. The following payroll.
 11 Q. Do you know when that was?
 12 A. No, I don't recall it.
 13 Q. Would it be either the beginning of
 14 the following week or the next week after that?
 15 A. Exactly. The current payroll after
 16 that date. The current payroll after that date
 17 I didn't get paid.
 18 Q. Can we agree that that current
 19 payroll occurred before August 29th?
 20 A. No.
 21 Q. We can't?
 22 A. No, because I know when it was
 23 reflected or not. I know because I do payroll.
 24 I know that payroll, I supposed to get paid for
 25 that day or not. You follow me?

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1 MIRIAM BAUZA
 2 Q. So the conversation where you
 3 took -- you left at 9:15, did that conversation
 4 occur before or after you realized you weren't
 5 paid for August 8th?
 6 A. After. After.
 7 Q. So you first realized that you
 8 weren't paid for August 8th in that conversation
 9 with Regina about getting paid for that day.
 10 A. No, I didn't mention that to her.
 11 Let me see. When I didn't -- when I got the
 12 paycheck -- follow me. When I got the paycheck,
 13 I noticed I didn't get paid.
 14 Q. For August 8th.
 15 A. For August 8th. I spoke to her and
 16 I said Regina, why I didn't get paid? Then she
 17 explained to me that the reason why I didn't get
 18 paid is because you need to come at least one
 19 hour or two hours before that same day in order
 20 for you to get paid. But I said to her but I
 21 work all these days late and I think I should be
 22 compensated for that day. She says this is how
 23 it is. You have to come at least one or two
 24 hours earlier.
 25 So I didn't question that pay

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1 MIRIAM BAUZA
 2 because I feel, you know, that's it, I'm not
 3 going to get paid. This is what she said, I
 4 just want to follow through. So on the next
 5 time when I got my chemo I came two hours
 6 earlier --
 7 Q. And that was August 29th?
 8 A. I believe. I believe it was
 9 the 29th. I'm not sure.
 10 Q. It was when you had that e-mail
 11 exchange with her.
 12 A. Exactly.
 13 Q. So whatever day that e-mail was,
 14 that was your second chemo treatment.
 15 A. Exactly. And I explained to her.
 16 And then I send the e-mail, I said Gladys is not
 17 here today -- I don't think it was a payroll day
 18 because I wanted to make sure that it was not a
 19 payroll day. But anyway, I said Gladys is not
 20 going to be here and I'm going to be leaving
 21 around 9:30, so if you have any issues, just go
 22 and call Regina. Regina Burgos.
 23 Then she sent me -- no, then I went
 24 to her, I don't remember why I stopped by her
 25 office. And she said why you even bother to

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1 MIRIAM BAUZA
 2 come? This is how she approached me, but in a
 3 very bad tone. And I needed to leave right
 4 away. I couldn't really talk to her about it
 5 because --
 6 Q. Did you say anything in response to
 7 her?
 8 A. I didn't say nothing to her at that
 9 moment.
 10 Q. Did she say anything else other
 11 than that one statement?
 12 A. No. So then when I went back to my
 13 desk, I noticed that she had sent me an e-mail
 14 telling me why you even bother to come. So I
 15 left. And that was bothering me. That was
 16 bothering me because I am not just a regular
 17 employee. I'm a committed employee.
 18 And I went through a second
 19 mastectomy; my hair was falling, I had effects
 20 of the chemo. I have to take injections because
 21 my blood level was going down to 2. It was too
 22 much in my mind. And it was such a big effort
 23 for me to just come to work, just to get up and
 24 look in the mirror and come to work. It was a
 25 big effort for me to do.

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1 MIRIAM BAUZA
2 Q. And after coming back after
3 August 29th, is that when you then went to Paul?
4 I'm sorry, after August 29th, is that when you
5 went to Mark?
6 A. No. Other incidents happened to me
7 respect to work where --
8 Q. Do you need to take a break?
9 A. No, it's okay. Other than work.
10 Where she actually was very sarcastic to me and
11 for no reason. There was times that there were
12 problems with banks, something that had to do
13 with banking function and something didn't go
14 correct. And it was not my fault. It was
15 something that she needed to respond while I was
16 out and she never responded.
17 When I happened to come back, I
18 responded to that e-mail from the bank and I
19 actually brought that to the attention of the
20 manager of cash, cash management, I don't
21 remember her name. And she told me don't worry,
22 I'm going to help you, let me see how we're
23 going to fix this.
24 So I was trying to fix that
25 problem. I spent almost all morning with that

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1 MIRIAM BAUZA
2 manager from cash management, and a few minutes
3 later Regina come to me and she said I just want
4 to tell you, who screwed up here? This is how
5 she spoke to me. And I said Regina, I
6 appreciate if you have something to say to me,
7 call me into your office. And she just kept
8 talking, she didn't care. She didn't care.
9 Q. I want to go back to the
10 conversation you mentioned that you had with --
11 you said after that you had a conversation with
12 Brian Walsh.
13 A. Yes.
14 Q. When was that conversation -- let's
15 just mark this first.
16 (Defendant's Exhibit L for
17 identification, August 29th E-mail.)
18 Q. I'm going to show you what we
19 marked as Defendant's Exhibit L. Is that the
20 e-mail exchange that you were referring to
21 between you and Regina?
22 A. Yes.
23 Q. And that's dated August 29th,
24 correct?
25 A. Yes. August 30 it says here.

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1 MIRIAM BAUZA
2 Q. Well, look here, look at the
3 date --
4 A. Oh, yes, 29th, yes, right.
5 Q. The conversation that you had with
6 Brian Walsh and Gladys brought to his attention
7 about the way that Regina was talking to you,
8 was that after this date, August 29th?
9 A. Yes, I think it was after.
10 Q. What is it that you brought to his
11 attention during that meeting that you had
12 concerns with?
13 A. Well, the way she was treating me.
14 Q. Did you describe to Brian at that
15 meeting as to what you meant by that?
16 A. Yes, I did. I explained to him.
17 Also I explained to him that I ask her for a
18 monitor, a bigger monitor because we needed a
19 bigger monitor being that we were doing payroll.
20 And she was telling me that the reason why I
21 needed a bigger monitor -- I didn't need a
22 bigger monitor, I need another glasses because I
23 was getting old. This was her expression to me.
24 Q. And you told that to Brian?
25 A. I told that to Brian.

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1 MIRIAM BAUZA
2 Q. Up until the time you spoke with
3 Brian, you had the issue in terms of her talking
4 to you about coming in at a 9:15, correct?
5 A. Yes.
6 Q. You also had the issue about taking
7 off on August 8th, correct?
8 A. Yes. When I explained to her that
9 I didn't get paid for that date, because he was
10 one of the people that know how much work I did
11 at the beginning when I start with Mediacom and
12 the hours that I put there, he told me don't
13 worry, I'm going to make sure that you get paid
14 for that day.
15 Q. And did you get paid for that day?
16 A. Yes. I think it was after three or
17 four payrolls after.
18 Q. So did you mention this issue about
19 him, this e-mail exchange to him at that point
20 in time?
21 A. Yes.
22 Q. And you also talked about,
23 obviously, the day you didn't get paid, correct?
24 A. Yes. That and the manager and her
25 screaming at me for no reason. Yes, there's a

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1 MIRIAM BAUZA

2 few issues.

3 Q. So you brought up the screaming at
4 you, yes?

5 A. Yes.

6 Q. And did you say what was being
7 discussed when she was screaming at you? Do you
8 remember?9 A. He said I was going to look into
10 it, that's all.11 Q. What were you discussing with
12 Regina or what were the two of you discussing
13 when she was screaming at you, do you remember?14 A. Oh, in one occasion about this
15 bank.

16 Q. Okay.

17 A. That she was the one who actually
18 supposed to respond when I was out.

19 Q. And --

20 A. And she just let it go. And then
21 it was other issues. Little issues here and
22 there.23 Q. Do you recall any of the other
24 issues that she screamed at you or yelled at you
25 about?

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1 MIRIAM BAUZA

2 do it through Pro Business. I'm sorry, Pro
3 Business never had that system so we weren't
4 able to do it through Pro Business. So it was
5 new to us to do those checks. It was new to
6 Gladys and new to me.7 So when I got in, I saw Gladys
8 doing them so I followed exactly what she was
9 telling me. Because I felt everything was
10 instructed correctly to her.11 Q. And this was to gross up the
12 checks?13 A. Exactly. So we went through it, we
14 did a hundred checks and apparently they were
15 wrong. She just slam those checks on the top of
16 my checks and said all those checks have to be
17 done because they're wrong. And I said what
18 happened. She said you don't know how to do
19 this. You didn't give the instructions to me.
20 What Gladys showed me was a piece of paper that
21 she just took it off from wherever and just took
22 something off and gave it to her. It wasn't the
23 proper instructions.24 Q. So she was upset that the checks
25 weren't done properly.

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1 MIRIAM BAUZA

2 A. Oh, about some checks that actually
3 she gave the instructions to Gladys. That day I
4 came late because I had one of the injections or
5 whatever. And when I came in, Gladys says, you
6 know, we have to do this hundred checks. I took
7 half, she took half and we started doing it.
8 She was doing it, she told me this is how we
9 have to do it. Regina said she gave the
10 instructions to her, she didn't give them to me.

11 Q. Were these bonus checks?

12 A. I don't remember if it was bonuses.
13 Maybe it was, I don't remember.14 Q. Do you recall if they were checks
15 that had to be grossed up?

16 A. Yes, something to that effect.

17 Q. Do you know what "grossed up"
18 means?

19 A. Yes.

20 Q. Did you know how to gross up a
21 check?22 A. Yes, but the thing is it was
23 through Ceridian with the new system. And she
24 hadn't done it with Ceridian. In fact, Ceridian
25 didn't have that system so we never were able to

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1 MIRIAM BAUZA

2 A. Yes. And she was also screaming
3 and me. And we stayed late and got the checks
4 done.5 Q. Other than the instances that you
6 just mentioned, anything else that you brought
7 up to Brian Walsh in terms of issues or problems
8 that you had with Regina?9 A. Yes. Every time that I was working
10 along with Gladys, it bothered her. We were
11 working together about doing something done
12 faster, she always had something sarcastic
13 remarks to say.14 Q. What types of remarks would she
15 say?16 A. Like this project needs two people
17 to do, or involve two people. Always with that
18 remark.19 Q. And she would be making it to you
20 and Gladys?

21 A. Yes.

22 Q. Anything else that you brought to
23 Brian Walsh's attention in terms of issues or
24 problems that you had with Regina?

25 A. I felt that she was not -- she

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1 MIRIAM BAUZA
 2 didn't have appropriate management skills.
 3 Q. What was it in terms of --
 4 A. In the sense of the way she speak
 5 to people. And apparently a lot of people have
 6 problems with her.
 7 Q. At that point in time did you have
 8 discussions with Gladys about problems that
 9 Gladys had with her?
 10 A. Yes. She did mention it to me and
 11 it was proved to me how she was.
 12 Q. What issues did Gladys bring to
 13 your attention that she had with Regina?
 14 A. The way she used to talk to her,
 15 talking down on her.
 16 Q. So it was similar to the complaints
 17 that you had?
 18 A. Yes.
 19 Q. Did she have any different
 20 complaints about Regina that she made to you
 21 than what you had?
 22 MR. BONNIST: Just note my
 23 objection. You can answer.
 24 A. I'm sorry, repeat that again.
 25 (The pending question was read.)

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1 MIRIAM BAUZA
 2 A. Different complaints. She was
 3 verbally abusive. I guess the same.
 4 Q. Other than speaking to Brian Walsh,
 5 did you speak with anyone else about the issues
 6 that you brought to his attention in terms of
 7 the problems with Regina?
 8 A. Yes. To Joe Mickulski.
 9 Q. When did you speak with Joe in
 10 relation to your conversation with Brian about
 11 issues with Regina?
 12 A. Well, when I speak to him, he just
 13 told me to mention that to Judy Mills, which
 14 ones I did mention to Judy Mills. And she said
 15 to speak to Brian.
 16 Q. Now, did Judy advise you to speak
 17 to Brian before you spoke to Brian?
 18 A. Yes, before I spoke to Brian,
 19 that's correct.
 20 Q. So you spoke to Joe, then to Judy
 21 who referred you, and then you spoke to Brian
 22 and that's the conversation that we talked
 23 about.
 24 A. Exactly.
 25 Q. So after Brian, did you speak with

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1 MIRIAM BAUZA
 2 anybody else about issues or problems that you
 3 had with Regina?
 4 A. With anybody else. No, I don't
 5 think so.
 6 Q. Do you know how soon after
 7 August 29th that you had that conversation with
 8 Brian? Was it days, weeks?
 9 A. No, I don't have -- that I have no
 10 recollection of in my mind when that day
 11 happened.
 12 Q. Was it sometime in September do you
 13 think, within the next month?
 14 A. Could be.
 15 Q. Do you know how soon after
 16 August 29th you spoke to Joe Mickulski?
 17 A. I think it was probably done on the
 18 same week. A lot of times Joe Mickulski was a
 19 witness of how she was talking to us. Because a
 20 lot of times when Regina would leave, he would
 21 come and say are you guys all right.
 22 Q. This was on a Tuesday. Do you
 23 think you spoke with him during that work week?
 24 A. Could be.
 25 Q. How soon after you spoke with Joe

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1 MIRIAM BAUZA
 2 did you go to Judy?
 3 A. I don't recall.
 4 Q. Do you recall if it was days later
 5 or weeks later?
 6 A. Yes, days.
 7 Q. And after Judy, do you recall how
 8 soon you then spoke with Brian?
 9 A. No.
 10 Q. Was that days or weeks later?
 11 A. I think it was one or two weeks
 12 later.
 13 Q. Was there a reason as to why you
 14 waited to speak to Brian after speaking with
 15 Judy?
 16 A. No. I was just waiting for the
 17 right moment because we had a busy payroll, so I
 18 think I just take off and just go and talk to
 19 Brian. So it had to do with when I really had
 20 the time.
 21 And I remember that I told Judy
 22 when she -- she told me that I was abusing the
 23 company time. And I told Judy, Judy, she
 24 doesn't know me, she doesn't know how much I
 25 work here.

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1 MIRIAM BAUZA

2 Q. So you were telling Judy that

3 Regina was accusing you of --

4 A. Abusing company time.

5 Q. What did Judy say in response?

6 A. That if I had a problem with that,

7 to talk to Brian. That's what she said to me.

8 Q. So those are the issues that you

9 ended up speaking with Brian about.

10 A. Yes. And she told me that also in

11 front of Sharon D'Elia.

12 Q. Regina told you that?

13 A. Yes, because they share the same

14 office.

15 Q. So Judy then -- she said to speak

16 with Brian, and you did then go and speak with

17 him, correct?

18 A. Correct.

19 Q. After that point in time, were

20 there any further issues that you had with

21 Regina?

22 A. Yes. She didn't change.

23 Q. When you say she didn't change,

24 what is it that didn't change?

25 A. Her attitude was the same.

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1 MIRIAM BAUZA

2 Q. And did Gladys feel that way as

3 well?

4 A. As well.

5 Q. And when you say her attitude, was

6 it the way that she spoke to you?

7 A. Yes.

8 Q. Other than the tone that she spoke

9 to you in, any other problems or issues that you

10 continued to have with Regina?

11 A. Yes. A lot of times if I do

12 something for her, it was not properly done, and

13 a lot of times she would say to me -- I said

14 could I stay late, and she said well, I don't

15 stay late because I have a life. So she meant

16 to me that I don't have a life. So I have to

17 stay late.

18 Q. Anything else that she said to you

19 during that time that you had problems or

20 issues, other than her tone and that

21 conversation about her having a life?

22 A. Many incidents that I'm not even

23 remembering right now.

24 Q. Were there any other further issues

25 about you not being paid for any time that you

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1 MIRIAM BAUZA

2 needed to take off after speaking with Brian?

3 A. No.

4 Q. Any conversations with Regina about

5 taking time off after that conversation with

6 Brian Walsh?

7 A. No.

8 Q. Any further conversations with

9 anyone at Mediacom about your need to take off

10 after the conversation with Brian Walsh?

11 A. Not that I remember right now.

12 (Defendant's Exhibit M for

13 identification, Bank Documents, document bearing

14 Bates production number Mediacom 0231.)

15 Q. The first page is marked

16 Defendant's Exhibit M. Obviously these are

17 getting a little more difficult to read because

18 they're obviously from the bank. But do you see

19 this one is -- do you see the date on that? If

20 you look up here, can you see the date?

21 A. July?

22 Q. Does it look like July 11?

23 A. Yes. I think so.

24 Q. If you'll look at this, it says the

25 amount of the check. We don't have to look at

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1 MIRIAM BAUZA

2 that number, we can look down at the bottom

3 here. Do you see that?

4 A. Okay, mm-hmm.

5 Q. Do you recall if that was the

6 amount of the checks that you were receiving?

7 A. Yes.

8 MR. BONNIST: Objection. Is this

9 paychecks?

10 Q. No, this is from disability.

11 A. From the disability.

12 Q. As of July 11th is the period that

13 you were out, correct?

14 A. That's right.

15 Q. Did you endorse the -- you had to

16 endorse the disability checks that came,

17 correct?

18 A. Yes, but I need to know where is

19 the dates that covers here. Where is the dates

20 that covers this particular check?

21 Q. I'm not going to ask about the

22 dates right now because I've got other documents

23 that are better for that. I'm asking you the

24 checks that you received from your disability.

25 You had to sign those checks and deposit them,

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1 MIRIAM BAUZA
2 correct?
3 A. That's correct.
4 Q. So all of the checks that you did
5 receive, you endorsed.
6 A. That's correct.
7 Q. There were no direct deposits of
8 the checks or anything with respect to that.
9 A. No.
10 (Defendant's Exhibit N for
11 identification, Canceled Checks.)
12 Q. I'm going to show you what we
13 marked as Defendant's Exhibit N. Realizing that
14 this is a copy and that's why it says "void,"
15 there are two checks that are here. Do you see
16 that?
17 A. Yes.
18 Q. And they're for two different
19 amounts. Do you see the payment period? It's
20 right underneath where it says "pay" and the
21 number. The pay periods are the same, 6/14
22 through 7/4, 2006. Is this the retroactive
23 payments?
24 A. I believe so.
25 Q. Well, you didn't apply until the

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1 MIRIAM BAUZA
2 end of June, is that right?
3 A. Yes.
4 Q. But you were out since before
5 June 14th, correct?
6 A. Right, correct.
7 Q. Did you understand that there was a
8 waiting period in order to receive disability?
9 A. No.
10 Q. You didn't understand that there
11 was a seven-day waiting period?
12 A. Yes, I do know.
13 Q. And this would be reflective of
14 approximately that seven days that you were out.
15 A. Yes. But at the time, I couldn't
16 think clear at the time. I have to say that to
17 you.
18 Q. But by this point in time you had
19 filled out the application, correct?
20 A. Yes.
21 Q. And this was the first checks that
22 you received, is that correct?
23 A. That's correct.
24 (Defendant's Exhibit O for
25 identification, Canceled Check.)

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1 MIRIAM BAUZA
2 Q. I'm going to show you what we
3 marked as Defendant's Exhibit O. Again, the
4 bottom portion is a copy of the check, a check
5 payable to you, correct?
6 A. Yes, mm-hmm.
7 Q. And do you see that is for a pay
8 period of July 5th, 2006 to July 11, 2006, is
9 that correct?
10 A. Yes.
11 Q. And the pay amount is for -- the
12 net pay is for \$1,114.04. Is that correct?
13 A. Correct.
14 Q. And if you'll look on there, the
15 total benefit that was paid prior to the gross
16 amount is 1,445.48, is that correct?
17 A. That's correct.
18 (Defendant's Exhibit P for
19 identification, Copy of Check.)
20 Q. I'm going to show you what we
21 marked as Defendant's Exhibit P and ask you if
22 you recognize that document.
23 A. Yes.
24 Q. And that is a check dated July 18th
25 payable to you, correct?

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1 MIRIAM BAUZA
2 A. Mm-hmm, correct.
3 Q. And the payment period is for July
4 12, 2006 to July 18, 2006, correct?
5 A. Yes.
6 Q. And that is the week after that you
7 received the check marked Defendant's Exhibit O,
8 is that correct?
9 A. Correct.
10 Q. So it's a one-week pay period.
11 A. Correct.
12 Q. And that is in the same amount, for
13 1,114.04, is that right?
14 A. Correct.
15 Q. And the gross amount, again, was
16 1,445.38, is that right?
17 A. Correct.
18 (Defendant's Exhibit Q for
19 identification, Copy of Check.)
20 Q. I'm going to show you what we
21 marked as Defendant's Exhibit Q. Again, that is
22 a check dated July 25, 2006, correct?
23 A. Yes.
24 Q. That's payable to you?
25 A. Yes.

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1 MIRIAM BAUZA
 2 Q. That's for the same amount,
 3 1,114.04, correct?
 4 A. Correct.
 5 Q. And again, that's for a one-week
 6 payment period of July 19 through July 25th,
 7 2006, correct?
 8 A. Correct.
 9 Q. And that's a check that you did
 10 receive?
 11 A. Correct.
 12 (Defendant's Exhibit R for
 13 identification, Copy of Check.)
 14 Q. Again, I'm showing you what's
 15 Defendant's Exhibit R, which is check dated
 16 August 1st, 2006 payable to you, correct?
 17 A. Correct.
 18 Q. And that's in the same amount,
 19 1,114.04 net, is that correct?
 20 A. Correct.
 21 Q. And that's again for a one-week pay
 22 period from July 26th through August 1st,
 23 correct?
 24 A. Correct.
 25 (Defendant's Exhibit S for

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1 MIRIAM BAUZA
 2 identification, Copy of Check.)
 3 Q. Ms. Bauza, I'm showing you a
 4 document marked as Defendant's Exhibit S, which
 5 on the bottom shows a check payable to you dated
 6 August 4, 2006, correct?
 7 A. Correct.
 8 Q. Now, that is for a pay period of
 9 August 2nd through August 6th, 2006. Do you see
 10 that?
 11 A. Correct.
 12 Q. And that is for a less amount,
 13 \$112.14.
 14 A. Mm-hmm.
 15 Q. Do you see that?
 16 A. Yes.
 17 Q. And that is because you had
 18 returned to work during this pay period, is that
 19 correct?
 20 MR. BONNIST: Just note my
 21 objection.
 22 Q. Let me withdraw the question. Do
 23 you have any idea as to why this check is netted
 24 out to \$112.14?
 25 A. No.

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1 MIRIAM BAUZA
 2 Q. That is a shorter time frame, only
 3 four days, as opposed to the other checks which
 4 were for a period of seven days, correct?
 5 A. Correct.
 6 Q. You returned to work on August 7th,
 7 which was a Monday, is that correct?
 8 A. Right.
 9 Q. Do you know after receiving which
 10 check that you called Aetna about the
 11 overpayment?
 12 A. I remember it was the second check.
 13 Q. It wasn't the first one, which was
 14 the retroactive check.
 15 A. No. I remember it was the second
 16 check.
 17 Q. Was it in reference to Exhibit O?
 18 A. That's correct.
 19 Q. And that's when you had those
 20 conversations in which they confirmed to you
 21 over the telephone that it was correct, is that
 22 right?
 23 A. That's correct.
 24 Q. When was the first time that you
 25 spoke with anyone about Mediacom about these

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1 MIRIAM BAUZA
 2 overpayments?
 3 A. I think it was November 14 or 15.
 4 Q. And up until then you had not had
 5 any discussions with anyone at Mediacom about
 6 the fact that you were overpaid by Aetna.
 7 A. No.
 8 Q. Who was it that first brought it to
 9 your attention at Mediacom about the issue of
 10 overpayments?
 11 A. It was Judy Mills and Regina Burgos
 12 and Joe Mickulski.
 13 Q. Now, this isn't going to be a math
 14 test, but your monthly earnings -- or your
 15 weekly earnings according to this were \$818, is
 16 that correct?
 17 A. That's correct.
 18 Q. And that was your gross?
 19 A. I believe so.
 20 Q. If it was about 42,000, it would be
 21 in that neighborhood. That would be your net,
 22 correct?
 23 A. That's correct.
 24 Q. And you didn't recall what your net
 25 payments were.

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1 MIRIAM BAUZA
2 A. No.
3 Q. Your guess, as you understood it,
4 you were to get two-thirds of that.
5 A. Okay.
6 Q. So what was your understanding as
7 to what your gross should have been for
8 disability payments?
9 A. You mean --
10 MR. BONNIST: Objection. Her
11 understanding today, her understanding then?
12 MR. RIOLO: No. She said she
13 understood that she was getting two-thirds.
14 Q. So what my question is what was
15 your understanding as to the amount of
16 disability payments that you should be receiving
17 based on what you had said, the two-thirds
18 disability?
19 A. Well, I knew it was going to be
20 less. And that's why my question was to the
21 insurance company, the people that sent me the
22 check, and that's why I called. Because I know
23 that the dates, the amount of days in the check,
24 to me it was wrong for the amount of money. And
25 that's why I called.

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1 MIRIAM BAUZA
2 Q. That's why you called Aetna.
3 A. That's why I called Aetna.
4 Q. So it was clear to you from the
5 time of that second check that there was
6 something wrong with the payment.
7 A. Exactly. So that's why I called.
8 Q. And you had that conversation in
9 which they said no, it wasn't.
10 A. When I called, I actually asked
11 them again for the second time, and they
12 reconfirmed to me that it was okay, I have no
13 doubt in my mind that they were right,
14 regardless.
15 Q. So you thought they were right.
16 A. I thought they were right.
17 Q. Even though you had an
18 understanding that you were only supposed to
19 receive two-thirds.
20 A. Yes. Because I -- yes. Yes.
21 Q. And after you came back you didn't
22 discuss that with anybody at Mediacom as to this
23 what you thought was a mixup from Aetna.
24 A. At this point I do made I think it
25 was two phone calls to Joe Mickulski, left a

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1 MIRIAM BAUZA
2 message for him to call me. And he never called
3 me back.
4 Q. You didn't say what it was about.
5 A. I didn't say what it was about.
6 But I left those two messages.
7 Q. And how soon after you spoke with
8 Aetna did you leave those two messages?
9 A. I don't quite remember, but it was
10 along the time that I was out.
11 Q. You made those telephone calls from
12 home?
13 A. Yes.
14 Q. And the calls from Aetna, did you
15 make those calls from home as well?
16 A. From home, too.
17 Q. What's your home telephone number?
18 A. My number is 845-561-1152. And if
19 I'm not mistaken, the phone calls that I made to
20 Joe Mickulski was directly to his extension.
21 Q. Do you know what that is?
22 A. I think the four last digits is
23 2721, if I'm right.
24 MR. BONNIST: Do you have a cell
25 phone that you would have called from?

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1 MIRIAM BAUZA
2 A. That's the only number that I
3 called.
4 Q. What was the phone service that you
5 use?
6 A. I use Time Warner Cable.
7 Q. And did you use that at the time?
8 A. Yes. Mm-hmm.
9 Q. And the number that you used for
10 Aetna, that was the one that you had received
11 on -- that you had on some of those documents.
12 A. Exactly. Actually, from the check,
13 I picked it up from the check. From here. The
14 800 number I think it was.
15 Q. Do you see it on any of the
16 documents that we marked?
17 A. It's right here. 188. That's the
18 number I called.
19 Q. So that number --
20 A. That's the number I called.
21 Q. You're looking on this specific
22 one, Defendant's Exhibit S. At least the 1-888
23 number.
24 A. Exactly.
25 Q. Now, you said that you had first

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1 MIRIAM BAUZA
2 gotten -- or you said it was first brought to
3 your attention in a meeting with Judy, Regina
4 and Joe as to the issue of overpayments.
5 A. Correct.
6 Q. How were you told to come to this
7 meeting? By whom?
8 A. I was called by Judy to go to her
9 office.
10 Q. And when you came in --
11 A. I found three of them in there,
12 yes.
13 Q. Tell me as best you can recall who
14 said what during that meeting.
15 A. First of all, I was surprised that
16 I was called. And the first one to speak was
17 Judy Mills.
18 Q. And what did Judy say when she
19 first spoke?
20 A. She mentioned to me that I was
21 overpaid by disability from Aetna.
22 Q. Did she say --
23 A. And then I said to her oh, I did
24 call them and they told me that everything was
25 correct.

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1 MIRIAM BAUZA
2 Q. Tell me how that conversation
3 progressed as to who said what, as best you
4 recall. I know you're not going to remember
5 verbatim as to what everybody said. That's not
6 what I'm asking. Generally, what was said next
7 and by whom?
8 A. I explained to her that I did call
9 them because I felt there was something wrong.
10 And I called them and asked them that I had a
11 question in regard to dates and the amount of
12 money. And they confirmed twice to me that it
13 was correct.
14 Q. And what, if anything, did you say?
15 Who said what next?
16 A. She said why I didn't call the
17 office. And I said at the moment I just -- I
18 felt that I was getting the checks from them.
19 They knew to me more than anybody else how much
20 I supposed to get.
21 And along the way I said that I was
22 going to call someone in the office, especially
23 Joe Mickulski, which I did. Which I did. But
24 at the time I didn't mention that because I
25 didn't remember if I had called. Coming back

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1 MIRIAM BAUZA
2 home I realized that I did put through I think
3 it was two phone calls from my house.
4 Q. So during this meeting that you
5 had, you didn't remember that you had left those
6 two messages for Joe.
7 A. Exactly. I didn't remember at the
8 time. So I didn't mention that I had called.
9 And I just told him that I had forgot. And I
10 did forgot when I came back just to mention it
11 because I didn't think it was wrong. I just for
12 whatever reason, I thought that they were
13 correct because they assured me they were
14 correct.
15 Q. After they had assured you it was
16 correct, "they" being Aetna, you still attempted
17 to call Joe.
18 A. Yes, I did.
19 Q. Why were you calling Joe if at that
20 point you thought Aetna was right?
21 A. Because for whatever reason, I just
22 wanted to mention it to him.
23 Q. And what was the reason you wanted
24 to mention it to him?
25 A. I just felt that I wanted to

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1 MIRIAM BAUZA
2 mention it to him.
3 Q. Did you still have some doubt in
4 your mind that Aetna could have been wrong?
5 A. It could be at the time. But I
6 felt if those -- when those payments go through,
7 if they come -- if at one point Mediacom have to
8 deal with them, they don't have to give the okay
9 for them to release those checks.
10 Q. Was it your understanding that
11 before the checks were released, that someone at
12 Mediacom would review it?
13 A. No, but I was just thinking that if
14 it's something -- I felt myself that I didn't
15 have the urgent to let them know because I felt
16 all along they were right. And I was also
17 saying to myself if I got those checks, I'm sure
18 they're correct because they have to release --
19 something have to be released from Mediacom.
20 Q. But when you first got the checks,
21 you didn't think they were right because that's
22 what prompted you to call Aetna.
23 A. Exactly.
24 Q. Even after you called Aetna, you
25 still had doubts.

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1 MIRIAM BAUZA
 2 her during that meeting?
 3 A. I don't remember if I said
 4 anything.
 5 Q. Did she tell you the reason as to
 6 why you were terminated?
 7 A. I think because of the
 8 overpayment -- because of the overpayment and
 9 that I didn't let anybody in Mediacom to know.
 10 That's what she said to me.
 11 Q. Did she say anything else that you
 12 recall?
 13 A. And I think I told her that that
 14 was -- Aetna had said to me that it was their
 15 mistake, their error. It was not my error.
 16 Q. Did she say anything in response to
 17 you?
 18 A. No.
 19 Q. Did Joe say anything during that
 20 meeting?
 21 A. No.
 22 Q. Is there anything else you can
 23 recall either you saying during that meeting or
 24 Judy saying during that meeting other than what
 25 you've just testified to?

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1 MIRIAM BAUZA
 2 A. No.
 3 Q. Did you have any conversations with
 4 Joe --
 5 A. After?
 6 Q. -- after that?
 7 A. Yes, I did.
 8 Q. Where was that?
 9 A. By my area.
 10 Q. What is it that you said to Joe and
 11 Joe said to you?
 12 A. Joe said to me that, you know, he
 13 felt he was sorry for what happened to me, I was
 14 a great person and it was out of his hands. It
 15 was not his decision.
 16 Q. Did he say whose decision it was?
 17 A. No, he didn't tell me.
 18 Q. Anything else that he said?
 19 A. No.
 20 Q. Is there anything that you said to
 21 him during that conversation?
 22 A. I just told him that I just
 23 couldn't believe it because here I am, cancer
 24 patient, going through chemo, losing my job, I
 25 just felt like -- it was like a nightmare.

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1 MIRIAM BAUZA
 2 Q. And you said that to him?
 3 A. Yes.
 4 Q. Anything else that you can recall
 5 you saying to him during that conversation?
 6 A. I just told him that nobody knows
 7 what I'm going through until that person --
 8 until it happens really to you. Sometimes
 9 people can sympathize for you but they never
 10 know what that is until actually you go through
 11 that yourself. And he said he could understand
 12 where I was coming from and I feel bad.
 13 Q. Did you speak with anybody else
 14 after that meeting with Judy and Joe other than
 15 the conversation you just mentioned with Joe
 16 before you left?
 17 A. I spoke to Regina. Regina asked to
 18 speak with me before I was leaving. And she
 19 told me if I need recommendations, she was
 20 willing to give it to me. If I needed
 21 references from her, she was willing to give it
 22 to me.
 23 Q. Did she say anything else?
 24 A. No. She said that she feels bad.
 25 Q. Did you say anything to her?

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1 MIRIAM BAUZA
 2 A. I just told her that it was nice
 3 working with her.
 4 Q. Did you ever learn as to whose
 5 decision it was to terminate you?
 6 A. No. But I have to say something
 7 that when I was terminated at that moment, I
 8 remember Mark Stephan conversation once when I
 9 just got in to work in the office. I think it
 10 was four weeks or five weeks later. He was in
 11 the cafeteria where is the corporate office.
 12 And he was talking to someone saying that the
 13 big boss is not comfortable to pay medical bills
 14 for someone just coming aboard than for someone
 15 that has been there five years with five years
 16 of service.
 17 At that point I got up because I
 18 wanted to see who was the person that was
 19 talking about that. And when I got up and went
 20 around to the cafeteria, it was Mark Stephan. I
 21 had met him -- that was one of the first people
 22 that I met when I went for the interview, so
 23 that's why I knew his name. The other person, I
 24 didn't know who he was.
 25 Q. Did you ever learn who it was?

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1 MIRIAM BAUZA
2 A. I didn't see from the face, but he
3 was talking to somebody else.
4 Q. When did you overhear this
5 conversation?
6 A. About five years later when I went
7 into work. Into Mediacom.
8 Q. Five weeks after you just started?
9 A. Yes.
10 Q. So this was prior to your
11 diagnosis.
12 A. Prior to my diagnosis.
13 Q. So that conversation, did you know
14 who it was referencing?
15 A. No. Then Joe Mickulski, two times
16 before I was diagnosed, he made the same comment
17 to me. The same exact comment.
18 Q. What comment did he make?
19 A. About when a new person is just
20 aboard, the big boss is not comfortable paying
21 medical bills for somebody that just come aboard
22 than for somebody that has been there five years
23 of service.
24 Q. How did that come up with Joe
25 during those two conversations with you?

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1 MIRIAM BAUZA
2 A. It just come up -- I don't know why
3 but it just come up, and about two times I
4 overheard him saying the same thing to some
5 other people. They were either on the phone --
6 I couldn't tell if it was over the phone or the
7 person was right next to him. Somebody from
8 corporate. Because his office was in a corner.
9 They have partition, they don't have offices.
10 So I was in a position where I always overheard
11 all his conversations. I would overheard
12 anybody talking over the cafeteria.
13 And when that happens to me that
14 they terminated me, I felt they terminated me
15 not for the reason why the checks. It was for
16 my illness, for my medical expenses.
17 Q. And you feel that because of the
18 conversations that you overheard?
19 A. Yes.
20 Q. Is there any other reasons as to
21 why you feel it was over your cancer and your
22 medical bills other than recalling those
23 conversations you overheard with Joe and Mark?
24 A. Because after I came back from my
25 disability, it was a big change the way

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1 MIRIAM BAUZA
2 everybody was treating me. Especially Judy
3 Mills.
4 Q. Well, in what way differently did
5 Judy treat you?
6 A. They were different. Even Italia
7 was different. Everyone was different. Even
8 Paul Miller was different. Everyone were
9 different.
10 Q. In what way?
11 A. The way they were treating me.
12 They didn't ask me how I felt, how I was doing.
13 They didn't have that anymore.
14 Q. Other than not asking you how you
15 felt, how else were you treated?
16 A. Oh, another thing -- I have to go
17 back to that question that you asked me. When I
18 was in Judy Mills' room, when she spoke to me
19 about the checks she also -- I said Judy, you
20 don't know what I've been going through with my
21 chemo. In that stage I don't know how I even
22 recognized that I was overpaid. I don't even
23 know how I recognize that I have that
24 overpayment. My state of mind, it was so bad.
25 She said come on now, I don't want to hear it.

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1 MIRIAM BAUZA
2 Q. During what meeting is this
3 conversation?
4 A. This is the meeting that I had with
5 her when Joe Mickulski was there and Regina was
6 there. I don't want to hear it.
7 I had diagnosis the second time in
8 my life cancer. I had my second full
9 mastectomy. I struggled to get up in the
10 morning and look in the mirror how I looked.
11 Losing my hair, dealing with all the side
12 effects, diarrhea, vomiting, constipation. Many
13 times when I was in the office, I had to run to
14 the bathroom, to the last one because I didn't
15 want anybody to know that I was so sick. But I
16 was there. I was a trooper, fulfilling my
17 complete job. And she don't want to hear it.
18 Q. Anything else that you can recall
19 in terms of reasons -- conversations that you
20 had with people in terms of them expressing
21 either issues or problems with you taking time
22 or your treatments?
23 A. Not that I recall right now.
24 (Defendant's Exhibit T for
25 identification, November 15th, 2006 Letter.)